

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVIS INTERNATIONAL, LLC, HOLDEX, LLC,:
FOSTON MANAGEMENT, LTD, and :
OMNI TRUSTHOUSE, LTD, :

Plaintiffs, :

v. :

No. 04-1482-GMS

NEW START GROUP CORP., VENITOM CORP.,:
PAN-AMERICAN CORP., MDM BANK, :
URAL-GORNO METALURAGICAL COMPANY,:
EVRAZ HOLDING, MIKHAIL CHERNOI, :
OLEG DERIPASKA, ARNOLD KISLIN, :
MIKHAIL NEKRICH, and ISKANDER :
MAKMUDOV, :

Defendants. :

DECLARATION OF MICHAEL G. BIGGERS

MICHAEL G. BIGGERS declares as follows:

1. I am a member of the Bar of the State of New York and of the law firm of Bryan Cave LLP, counsel for Defendant Oleg Deripaska. I submit this Declaration in support of the Defendants' motions to dismiss the Complaint. Mr. Deripaska is joining in those motions.

2. In connection with the motion to dismiss on *forum non conveniens* grounds, and as a condition to dismissal on such grounds, Oleg Deripaska hereby agrees:

- (a) to consent to the jurisdiction of the Russian courts in any action filed by Plaintiffs alleging the same or similar claims asserted in the Complaint;
- (b) to produce any relevant documents or witnesses in Russia;
- (c) to consent to any venue in Russia that may be selected by Plaintiffs; and
- (d) to waive any defense based on any statute of limitations which may have expired after the filing of the Complaint

herein (November 4, 2004) until 90 days after judgment in
this case becomes final.

I declare under penalty of perjury that the foregoing is true and correct. Executed
on March 10, 2005.


MICHAEL G. BIGGERS